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Wednesday,
May 15, 2019

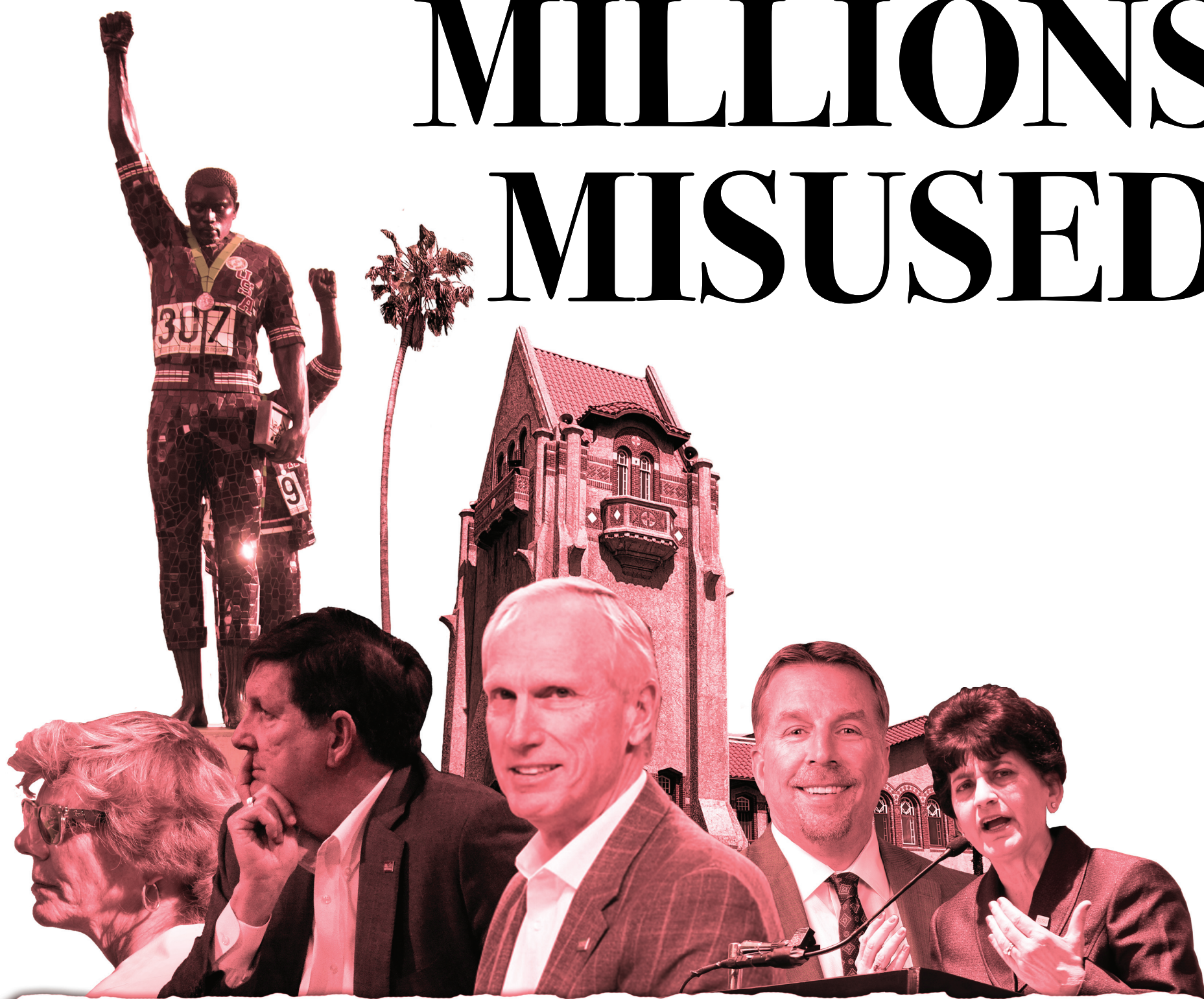
Spartan Daily

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Volume 152
No. 44

MILLIONS MISUSED



Track and field team unable to hurdle financial problems

SJSU VP for advancement resigns

Bud Winter field abandoned

PHOTO ILLUSTRATION BY EDUARDO TEIXEIRA AND NICHOLAS ZAMORA

San Jose State University allegedly mishandled \$6.3 M per documents

By Lindsey Boyd, Sports Editor

Less than 5% of Spartan Foundation money intended for athletic scholarships was distributed to San Jose State athletes from 2013-2016, according to sources and confirmed by documents reviewed by the Spartan Daily.

The documents detail misuse of more than \$6.3 million during the tenure of former athletic director Gene Bleymaier. Less than \$275,000 from the Spartan Foundation fund was distributed from 2013 to 2016, according to the account details.

The Spartan Foundation was marketed to donors on SJSU athletics' website as a fund that provides athletic scholarships, and was managed as part of the Tower Foundation since 2014.

Money intended to go to the Spartan Foundation fund was sent to the athletics department office on South Campus, instead of Tower Foundation in Clark Hall, according to university documents reviewed by the Spartan Daily.

Athletics staff opened the envelopes and were supposed to identify which checks should go to the Tower Foundation and which should go into athletics' current use accounts, according to the university documents. The latter accounts were used for car allowances and stipends for coaches and staff, rather than athletic scholarships, according to a Spartan Foundation account summary.

"The Spartan Foundation is the fundraising arm of the San Jose State University Athletics Department," the website previously stated. "As its primary objective, the Spartan Foundation provides scholarship support for all of San Jose State's NCAA Division I athletic teams."

Media relations specialist Robin McElhatton said the web page about the Spartan Foundation was outdated and has been deleted this week.

The Spartan Daily repeatedly reached out to President Mary Papazian, Charlie Faas who is the vice president of administration and finance, and athletics director Marie Tuite, all of whom declined to comment.

In an email statement, the university said, "SJSU always has and always will honor donor intent. Several years ago, SJSU

“

Sometimes when we bring up our frustrations it feels like we aren't fully being heard. I think they are just expecting us to be OK with the bare minimum . . .

Sarahvaughn King

Women's track and field athlete

leadership learned that some of the Spartan Foundation's marketing and communications did not adequately convey how gifts were being used."

The Spartan Foundation's purpose as written on its 990 tax forms is, "To raise funds for athletic scholarships for San Jose State University scholarships."

Three sources told the Spartan Daily that it is common knowledge among certain circles of the university advancement office that the Spartan Foundation fund was not used for scholarships.

In 2017, the Spartan Foundation website stated, "San Jose State Athletics has been awarding over \$4,500,000 a year in athletic scholarships. The Spartan Foundation has nearly 1,500 members, but we need your help to double our membership base needed to raise the scholarship funds."

The Spartan Daily reviewed documentation on four separate occasions. Each time, account details confirmed that in the 2013-2014 and 2015-2016 fiscal years, \$0 was distributed to athletic scholarships from the Spartan Foundation fund.

\$4.5 million was not distributed per year for athletic scholarships through the foundation fund, according to Spartan Foundation account details.

"The university responded in multiple ways," the university said in a statement. "The university changed its marketing and communications with donors to clearly state how donor gifts would be used."

The Spartan Daily spoke with seven different sources, who all wished to remain anonymous because of fear of retaliation from the university administration. One source was formerly employed in the athletics department, four are current Tower Foundation employees, one was formerly employed in the Tower Foundation, and the final source is a former university employee with direct knowledge of the university's business practices.



Spartan Daily

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Demystifying endowments and donations to Tower Foundation

Below is the process of giving endowments and donations in accordance with San Jose State’s policy. Numbered steps indicate the university’s procedure to ensure transparency and accountability when receiving donations and allocating them to their intended areas. The Donor Bill of Rights additionally serves to protect the trust and respect of the general public.

Endowment

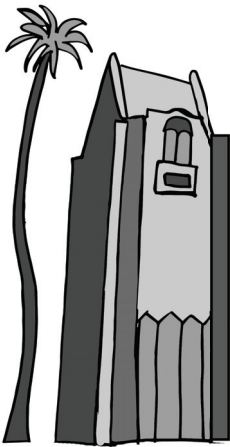
Donors contact the Tower Foundation directly to start the process.



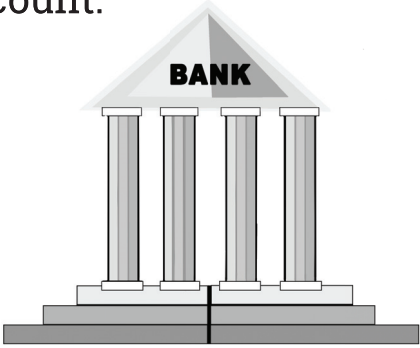
A donor contract is signed, including the agreed upon amount and where the money will be going. The minimum amount to establish an endowment is \$50,000, according to the Tower Foundation.



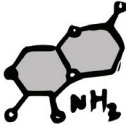
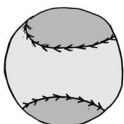
Money is put into the endowment investment portfolio, which uses an external financial firm for advisory purposes. It is then invested according to policy set by the Tower Foundation Board.



The principal investment is allowed to accrue interest. Money is never taken from the principal investment to maintain longevity of the account.



After three years of accruing interest, the revenue from the principal investment is sent from the Tower Foundation to the intended area of use.



Donation

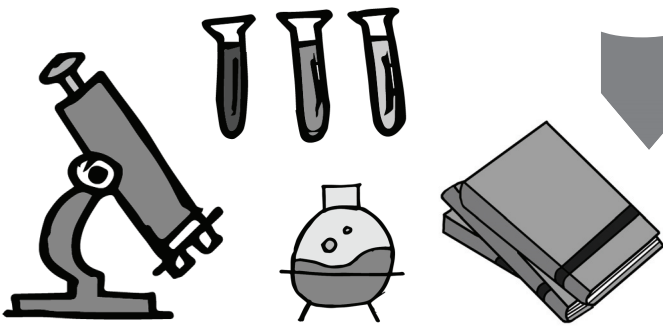
Donors donate online or contact the Tower Foundation directly to start the process.



A donor contract is signed, including the agreed upon amount and where the money will be going. There is no minimum for single-time or recurring donations given.



Money is processed through the Tower Foundation, and then distributed to the intended area of use.



A list of donation options is given on “Giving to SJSU” on the Tower Foundation website. The options are:

- SJSU Fund

Scholarships

Student Success

STEM education

Building SJSU

Academic affairs

Colleges

Alumni Association

Athletics

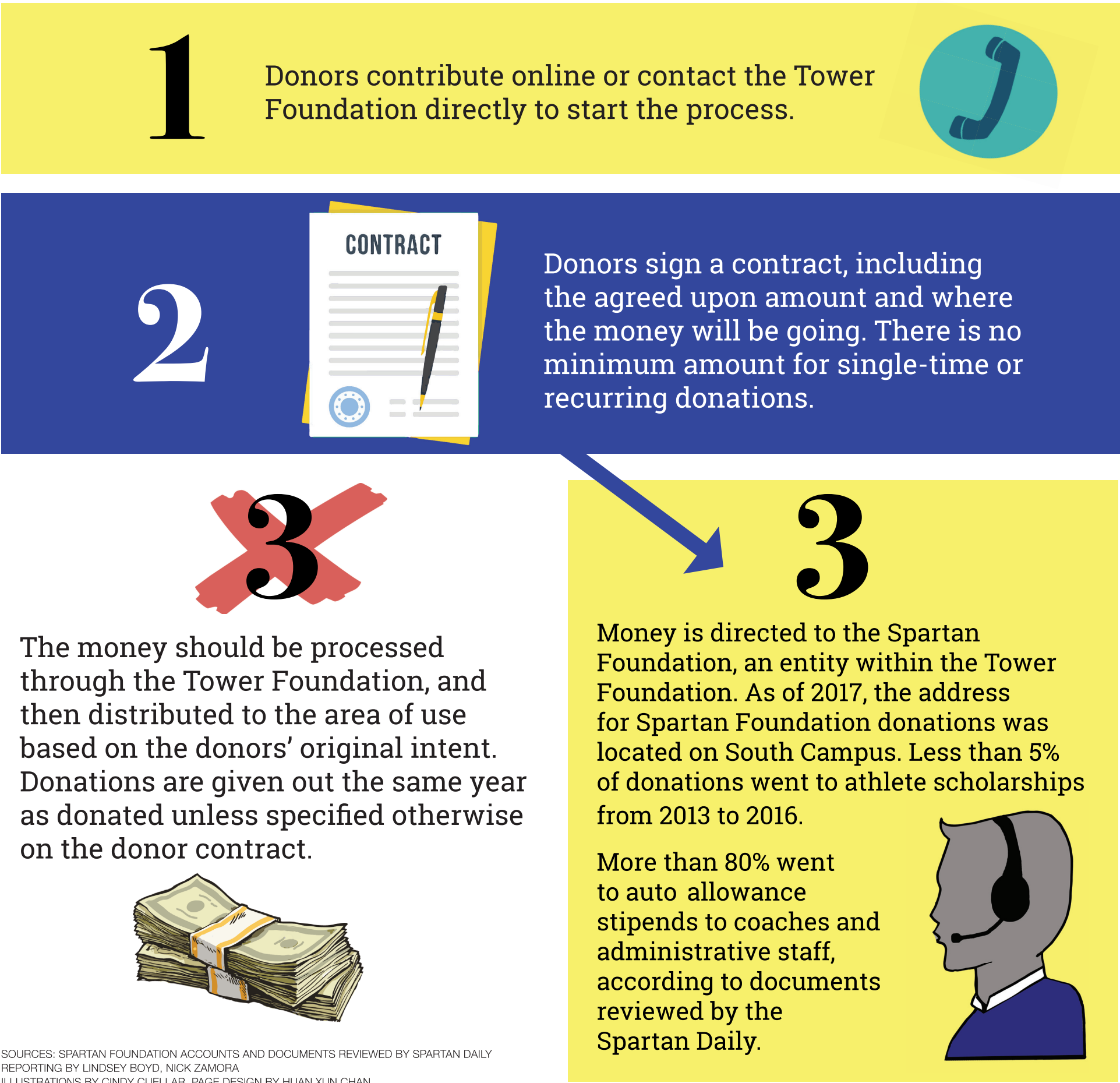
Dr. Martin Luther King Jr. Library

Student affairs

University advancement

What actually happened


Donations given to the Spartan Foundation intended for athlete scholarships went through a different process. Even though the Tower Foundation in Clark Hall took over the Spartan Foundation fund in 2014, money was still being addressed to the athletic administration office on South Campus, according to documents reviewed by the Spartan Daily. The diagram below shows how money intended for athlete scholarships moved through the university from 2013 to as late as 2017.



1958



The Spartan Foundation is established.



Mohammad Qayoumi starts as SJSU president.

He left the university on Aug. 17, 2015, to become the chief adviser on infrastructure and technology to the president of Afghanistan.

JULY 1, 2011



Gene Bleymaier starts as athletic director at SJSU.

Previously, he was fired from Boise State after 22 NCAA violations involving football, men's and women's tennis, and track and field took place under his watch, according to ESPN.

JUNE 30, 2012

2011

2012

2013

2014

2015

2016

Years of alleged mismanagement

Established in 1958, the Spartan Foundation was an independent fund for San Jose State athletics with a stated primary objective of providing athletic scholarships.

In recent years, there has been significant staff turnover and changes to the organizational structure of the foundation, SJSU Athletics and the Tower Foundation.

The Spartan Daily has reviewed documents that show that less than 5% of Spartan Foundation money intended for athletic scholarships was distributed to SJSU athletes. Despite collecting \$6.6 million in revenue, the Spartan Foundation fund distributed less than \$275,000 to student athletes in scholarships from 2013-2016.

SOURCES: SJSU NEWSROOM, ESPN, SPARTAN FOUNDATION ACCOUNTS, SJSU'S ANNUAL BUDGET REPORTS FOR THE YEARS 2012-2013 AND 2013-2014, SPARTAN FOUNDATION 2014 990 EZ TAX FORM, GENE BLEYMAIER'S ATHLETIC DIRECTOR AND ADMINISTRATOR IV CONTRACT, SANTA CLARA COUNTY SUPERIOR COURT CASE PORTAL, SPARTAN FOUNDATION BOCCIE BATTLE REGISTRATION FORM, EMAILS FROM PRESIDENT MARY PAPAZIAN
REPORTING BY LINDSEY BOYD, PAGE DESIGN BY HUAN XUN CHAN

2017

FEB. 9, 2017


Gene Bleymaier is removed as athletic director and appointed special adviser to the president, according to a contract signed by President Papazian.

APRIL 29, 2017

Even though the Spartan Foundation account was moved to the Tower Foundation in 2014, as late as the Spartan Foundation's Bocce Battle fundraising event in April of 2017, the address for donations was listed as: "Spartan Foundation, 1393 S. 7th Street, San Jose, CA 95112," which is the athletic administration office on South Campus.

This led to a situation which athletics staff opened donations sent in the mail and decided where checks should be distributed, according to university documents.

MAY 19, 2017



Marie Tuite starts as athletic director.

She had been working in the SJSU athletic department for seven years prior to becoming the athletic director in roles such as senior associate athletics director and the COO of the athletic department.


She was also the senior woman administrator for SJSU.

DEC. 8, 2017

A whistleblower files a lawsuit in Santa Clara County Superior Court against San Jose State and Paul Lanning, alleging mismanagement of millions of dollars and retaliatory firing.

2018

JAN. 29, 2018



The Tower Foundation sets up a separate branch strictly for athletic donations, hiring Josh Thiel to be the university's first-ever deputy athletics director for athletics advancement.

AUG. 23, 2018

The Spartan Athletics Fund is created and launched to replace the Spartan Foundation.

2019

APRIL 25, 2019

The court case against SJSU and Lanning in Santa Clara County Superior Court is marked as closed, according to the court website.

APRIL 26, 2019

Paul Lanning resigns as vice president of university advancement and CEO of the Tower Foundation.

President Papazian announces the resignation in a campus-wide email on April 19, 2019.

MAY 9, 2019

President Papazian announces that she has appointed Peter Smits as interim vice president for university advancement and CEO of the Tower Foundation.

Smits, who worked at Fresno State, is set to assume his position on June 3.

MAY 14, 2019

President Papazian announces that nominations are open for the search committee to find the new vice president of university advancement.

Athletes critical of treatment by SJSU

By **Jana Kadah**
MANAGING EDITOR

Multiple San Jose State student athletes said they are growing frustrated with the athletics department because they believe resources are not fairly allocated, scholarships were being unfairly pulled and concerns are not being addressed.

Sarahvaughn King, a sophomore sprinter on the track and field team, said she was promised an upgraded facility, state-of-the-art equipment and a chance to be part of the Speed City legacy before committing to SJSU in 2018.

Lavette King, Sarahvaughn King's mother, said that the chance to follow in Tommie Smith and John Carlos' footsteps was what set SJSU apart for her daughter.

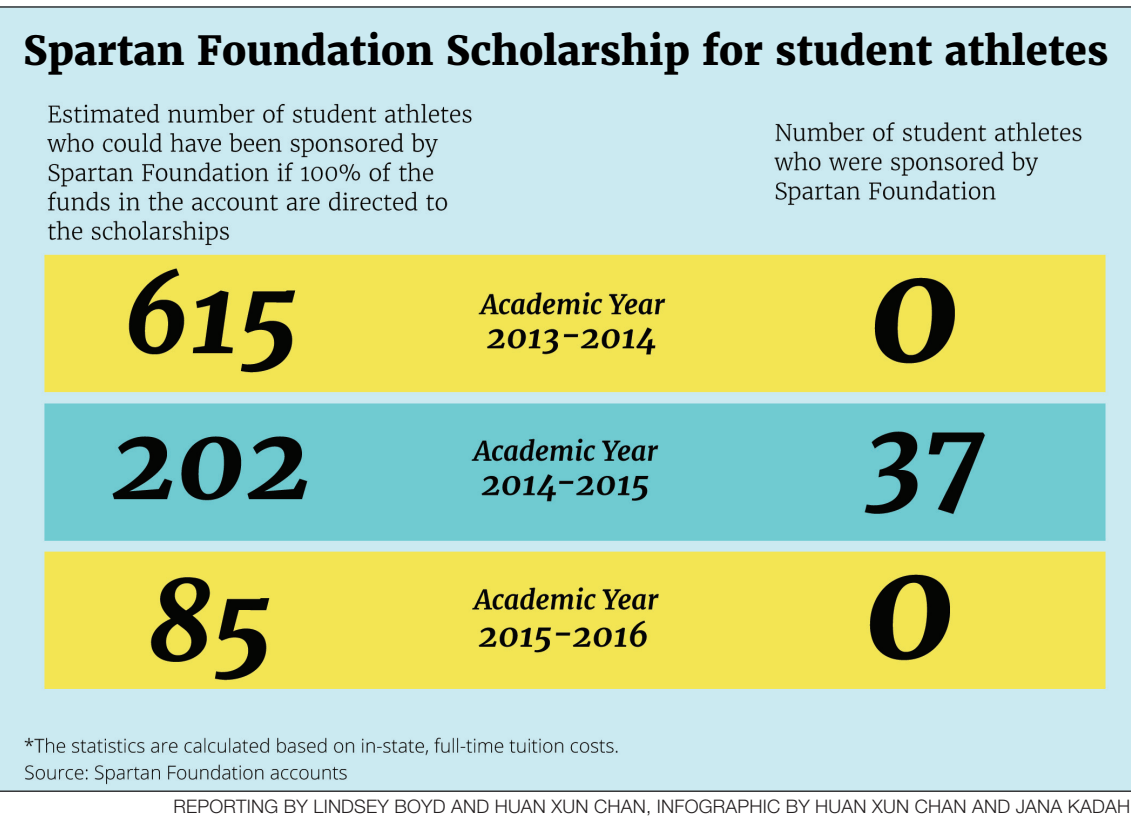
"[Sarahvaughn] on her own said this is history, and if [the athletics department] really is trying to revive this. This gives me an opportunity to be part of history and this time it's women that will be a part of bringing back this history," Lavette King said. "Just nothing that they said was true."

The sprinter said the athletics department had cut corners in every aspect regarding track and field. She mentioned how her team shoes were inadequate. She also said the team does not get enough funding to send the whole team to compete, and only about three to five athletes can go.

"[We also don't get] equal treatment in terms of getting like rehab or treatment. I know some people don't think it's a priority but sometimes we have trouble getting treatment if football is in the training room," Sarahvaughn King said.

For Sarahvaughn and her mother, the abandoning of promised renovations for Bud Winter Field and the new parking lot development planned to replace the track was the biggest disappointment.

"The public was told that the track team was going to be supported and that this legacy mattered to them.



“Getting my scholarship taken away was probably the most hardest things I had to deal with. I wasn’t aware that I was even in danger of getting it taken away actually.

Brittany Brown
former SJSU track athlete

This is unpatriotic. How do you decide that you are going to take the legacy of two Olympians and crumble it to dust?" Lavette King said. "Unpatriotic, un-American, anti-civil rights. [Athletics Director] Marie Tuite and [CFO] Charlie Faas will forever be on the wrong side of history."

The sprinter sustained an foot injury and said it was a result of practicing hurdle hops on the cement floor of the weight room. She was forced to compete with her injury and could not see a trainer for two months to

get the injury diagnosed.

When she tried to bring up complaints to the SJSU athletics director, Tuite threatened canceling the track and field team on multiple occasions.

"[Tuite] was saying that she originally wanted a whole different sport," Sarahvaughn King said. "That didn't necessarily feel the best to hear that"

Lavette King believed these threats were a misuse of power.

"It's insane to me that someone thinks they can abuse power in such a way that no one would ever

notice," Lavette King said. "[The athletics department thinks] it's OK whenever the girls complain for Marie Tuite to say to them, 'Do you want me to cancel the track team? I didn't want a track team, I wanted field hockey.' That's insane to me that that would be OK."

King's former teammate Brittany Brown said she had her scholarship pulled three days before tuition was due.

"Getting my scholarship taken away was probably the most hardest things I had to deal with. I wasn't aware that I was even in danger of getting it taken away. I found out via email actually," Brown said. "It's heartbreaking to see . . . all the help you once had seems to not really care what happens to you."

Brown told her coach that she planned to pursue a masters degree at a different university. Her scholarship was pulled the day after.

"I went to her office and I asked why she took my scholarship away. She never really answered

the question," Brown said. "I had a horrible experience attending [SJSU]. It was more so a dictatorship more than a partnership when it came to the athletics program."

Another student athlete, who asked to remain anonymous, shared similar sentiments. She said she felt "swept under the rug" when her full-ride scholarship was pulled last minute when she was going into her final year.

"I don't know what I've done. I really wish that I could say yeah I was disrespectful . . . or like I didn't work hard in the gym, or my grades were slipping, or I didn't compete, I don't know I wish I could find something," the athlete said. "No one is helping me with this appeal, so I don't know what I am doing. Am I going to go to school here [next year]?"

But for this athlete, losing her scholarship was the last straw. She said lack of attention to teams other than football prevented her, and many others, from seeking the medical attention they required.

"You think the percentage of athletes affected by medical stuff shouldn't be that high, it's every single person that was in [a meeting of student-athlete representatives]. The medical staff here is so bad it's scary," the athlete said. "I am surprised there is not lawsuits against like basically every single one of the medical team doctors that see us female athletes here."

She said that there are more student athletes who feel neglected by athletics but are unwilling to speak in fear of retribution.

"I think what people are worried about is that they are all upset about this stuff . . . I already have my scholarship pulled [now] so I have nothing to lose."

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LINDSEY BOYD
CONTRIBUTED REPORTING

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On view: *Undersoul: Jay DeFeo* and *Catherine Wagner: Paradox Observed*.
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By Mauricio La Plante
STAFF WRITER

More than \$8 million of the money given to the department was used for team transportation, recruitment, event expenses, operational expenses and informational technology, according to the SJSU Annual Budget Report.

SOURCE: BUDGET ADVISORY COMMITTEE, INFOGRAPHIC BY VICENTE VERA

The university president decides what programs are awarded money, but the decision must precede a review of the proposed

The gap between funding for the two is larger than it was seven years ago.

However, it was later unbundled in fall of 2014 to improve transparency over the use of student fees, according to a statement by then-SJSU president Mohammad Qayoumi.

After seeing the divide

"The need might not even be to proportionally distribute them, like that might not even be necessary," Manzo said. "The other departments might have money, so why are you going to give

“If you’re given a breakdown of the fees, like, saying this percentage of this particular fee goes to athletics, some students will read that and say ‘OK.’” Mathur said. “They also have to have meaning around it.”

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SCHOLARSHIPS

Continued from page 1

Two sources with access to the account details of the Spartan Foundation fund declined to provide them and said that the Spartan Daily should obtain them through a public records request first.



There’s been so much fear about bringing anything forward because of retaliation and because [human resources] stands by anything the administration does.

anonymous source
former SJSU employee

The university declined to fulfill parts of the Spartan Daily’s public records request regarding athletic funding and specific emails and documents.

Marna Genes, senior associate vice president of finance, responded to the request and wrote, “San José State University has conducted a reasonable search for these records under California Government Code [section] 6253, and determined that many of the records are protected by the deliberative process privilege, or do not ‘relate in some substantive way to the conduct of the public’s business.’ ”

Address confusion leads to incorrect deposits of donor money

Spartan Foundation account records reviewed by the Spartan Daily confirmed that 95.9% of donations were transferred to current accounts that paid for car allowances and bonuses to coaches and athletic administration staff.

According to documents the Spartan Daily has reviewed, Spartan Foundation money was sent to the athletic department on South Campus, staff opened the donations and deposited them into current use accounts.

The university then announced in 2014 that the Spartan Foundation account was moved out of athletics and into the Tower Foundation, according to the Spartan Athletics website.

“When we embarked on the plan to partner with athletics advancement, we saw much to gain from combining the resources and talents of University Advancement and Intercollegiate Athletics,” said Lanning in 2014 to SJSU Athletics, according to the SJSU news website.

Even though the Spartan Foundation account was moved to the Tower Foundation in 2014, as late as the Spartan Foundation’s Bocce Battle fundraising event in April of 2017, the address was listed as: “Spartan Foundation, 1393 S. 7th Street, San Jose, CA 95112,” which is the athletic administration office on South Campus.

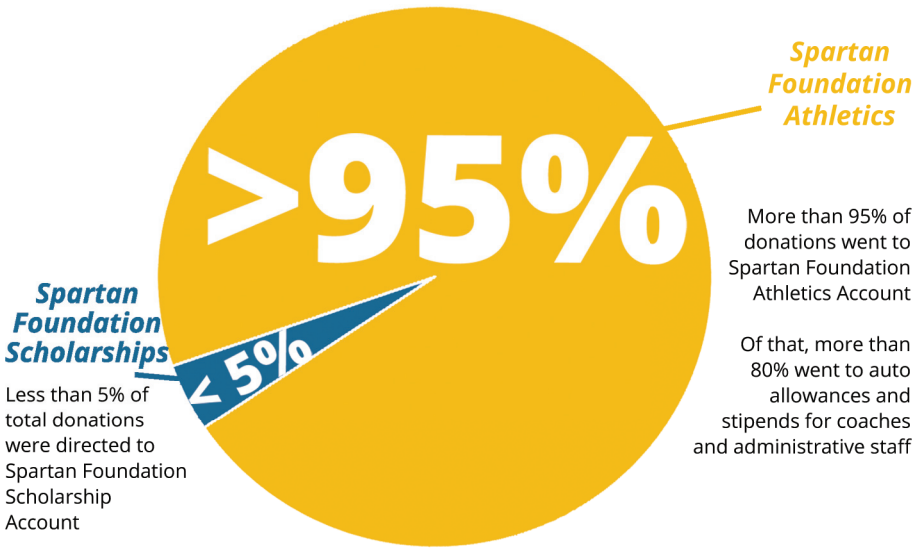
This led to a situation where athletics staff were opening donations sent in the mail and deciding where checks should be distributed, according to documents.

“In early 2017, the university began the process of moving athletics fundraising solely to [University Advancement], to improve management and

Allocation of donations to Spartan Foundation

under former athletics director Gene Bleymaier’s reign

There are at least two accounts at the Tower Foundation:
Spartan Foundation Athletics & Spartan Foundation Scholarships



SOURCE: SPARTAN FOUNDATION ACCOUNTS, INFOGRAPHIC BY HUAN XUN CHAN

stewardship of gifts to SJSU Athletics,” the university said in a statement.

Former athletic director Bleymaier served in his position for more than four years.

He also received a base salary of \$220,092 per year plus an additional \$102,000 from the Tower Foundation for a car allowance, public speaking engagements, public relations activities and supplemental salary, according to his athletic director contract.

Other university employees also received Tower Foundation funds, according to 990 tax forms.

In 2016, four individuals received more than \$150,000 in compensation from the Tower Foundation and “related organizations,” including Faas, Bleymaier, Andy Feinstein, the provost and vice president of academic affairs, and Coleetta McElroy, the president of the SJSU Alumni Association.

Endowments mishandled

Three sources said that athletic donations are not the only type of donations being mishandled.

“Endowments held by each school are not even all distributed,” one source said. “There are cases where endowments have not been spent with donor intent.”

Two other sources confirmed what that source said.

The sources said they saw Tower Foundation money distributed to individual colleges, but the deans spent the money against donors’ intent. When the donors came back to ask where the money went, the Tower Foundation realized the mistakes made by individual colleges.

“There’s been so much fear about bringing anything forward because of retaliation and because [human resources] stands by anything the administration does,” one source said. “People feel uncomfortable reporting these things because they get fired.”

Another source said they saw multiple people fired from the Tower Foundation but did not know why they were fired.

Student scholarships sit in the Tower Foundation because sometimes the deans have a hard time reading the Tower Foundation quarterly report or the deans didn’t know the scholarship money existed, sources said. The sources also said that when development officers in charge of donor accounts leave their job, their

endowment accounts were forgotten about.

Csilla Kuehn, the current Tower Foundation senior endowment accountant, said when donors ask for a printed out accounting sheet showing where their money got distributed, “sometimes we discover mistakes, obviously, but we correct them.”

She said one example is, “The donor says that I only want one scholarship and [the college] accidentally did two.”

Or, instead of distributing the money, Kuehn said the deans of each college on campus have a difficult time finding students to match the scholarship requirements.

“What we encounter quite a bit is that [the college] cannot spend the money because there is this description . . . some colleges can’t find a 4.0 [GPA] average . . . that particular subject is no longer here,” she said.

Kuehn was hired in December of 2016, and since then, Tower Foundation employees said an accounting system in the Tower Foundation has been instituted to ensure donor money is properly logged and going exactly where it is intended.

“Regarding tracking information from the Tower Foundation, we receive quarterly reports, and if I ever have a question it’s easy to call and get information, so that process works fine,” Walt Jacobs, the dean of the college of social sciences, wrote in an email.

Tower reforms and resignation

In 2018, the Tower Foundation set up a separate branch strictly for athletic donations, hiring Josh Thiel to be the university’s first-ever deputy athletics director for athletics advancement.

Then, after being called the Spartan Foundation since 1958, the Spartan Foundation was renamed the Spartan Athletics Fund in August of 2018.

President Papazian announced the resignation of Paul Lanning, who was the CEO of the Tower Foundation, on April 19 in a campus-wide email. A week later, a lawsuit against San Jose State University

and Lanning was marked as closed, according to the Santa Clara County Superior Court website.

The lawsuit alleged money mismanagement at SJSU, multiple instances of misappropriation of donor funding for SJSU athletics, endowments and the Tower Foundation, and unfair firing of SJSU employees who reported such violations.

“My work to ensure transparency and proper use of donor funds throughout my tenure at SJSU is well documented and verifiable, including changes my team and I instituted to ensure that these in fact occurred,” Lanning wrote to the Daily.

Athletes feel unsupported

Athletes and parents are speaking out about what they could have done with more donation money.

“The [track and field] team was out fundraising on our own,” Sarahvaughn King said, a women’s track and field athlete. “We were just wondering what can we do on our part at least to make sure that we can try and bring in some funding”

Three athletes from different sports have come forward saying that the athletics department pulled their scholarships without giving them a reason.

King’s mom also said the team often couldn’t afford to send all of its athletes to competitions.

“How do you go to African-American families and recruit them based upon the history and legacy of the school telling them that you are standing for that, that you are proud of that and then you tear it down and pour no money into it, give them bad shoes, given them a broken track to practice on, give them a cement track to practice on, make them wait for the football players [to see trainers and doctors],” King’s mother, Lavette King said. “Excuse me, isn’t that against their Title IX rights?”

Sarahvaughn King said athletes want more than just financial support.

“Sometimes when we bring up our frustrations it feels like we aren’t fully being heard,” she said. “I think they are just expecting us to be OK with the bare minimum that we have and that they think we are ungrateful when we do bring up our frustrations and we are not. We are just trying to see what we can do to have the greatest experience we can have with what we have.”

Budget reports disguise fund

SJSU began reporting athletic donations differently in its annual budget report.

The university’s 2012-2013 budget report had a section titled “Spartan Foundation” that listed the foundation’s revenue. But, in the years after Bleymaier became athletic director, the budget report changed.

Starting with the 2013-2014 budget report, the Spartan Foundation fund was lumped into “other revenue sources” along with ticket sales and other “miscellaneous revenue-generating revenue.”

The Spartan Foundation reported in its 2014 990 EZ tax filings that it had received \$0 in gifts, grants, contributions and membership fees. However, according to the documents reviewed by the Spartan Daily, almost \$1.5 million was collected that year.

In February of 2017, Bleymaier was removed from his position and appointed special advisor to the president, according to his employment contract.

Follow Lindsey on Twitter
@lindsboyd3

KUNAL MEHTA
CONTRIBUTED
REPORTING

EDITOR’S NOTE

In this story, the Spartan Daily decided to exercise its right as a news publication to maintain anonymity for protection of our sources. Several of our sources feared for their livelihood but were committed to exposing the truth.

We hold ourselves to the same commitment and encourage others to come forward. If you believe there is a story the public should know about please contact us. – Nicholas Zamora, **Executive Editor**

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